

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION**

Willie Marks,)	
)	
Plaintiff,)	
)	Case No. 18 C 50232
v.)	
)	Judge John Robert Blakey
Aramark Inc., et al.,)	
)	
Defendants.)	

ORDER

After reviewing Magistrate Judge Lisa Jensen’s November 27, 2019 Report and Recommendation, this Court agrees with its findings and conclusions and, accordingly, adopts the Report and Recommendation [57] in its entirety. Plaintiff’s claims are dismissed without prejudice for failure to exhaust administrative remedies. The Clerk of Court is directed to enter final judgment. This case is closed.

STATEMENT

By order dated November 27, 2019, Magistrate Judge Jensen recommended that this case be dismissed without prejudice because Plaintiff failed to exhaust available administrative remedies before initiating this federal lawsuit. Plaintiff did not object to the Report and Recommendation within the time periods established by Federal Rule of Civil Procedure 72(b)(2) and set by court order. *See* [57].

The Court may accept, reject, or modify, in whole or in part, the findings or recommendations of the magistrate judge in a report and recommendation. Fed. R. Civ. P. 72(b)(3). If no objection to the report is made, or if only a partial objection is made, the district court judge reviews the unchallenged portions for clear error. *Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 739 (7th Cir. 1999). The “clear error standard means that the district court can overturn the magistrate judge’s ruling only if the district court is left with the definite and firm conviction that a mistake has been made.” *Weeks v. Samsung Heavy Indus. Co.*, 126 F.3d 926, 943 (7th Cir. 1997).

The Court has reviewed the record in this case and finds that the November 27, 2019 Report and Recommendation is correct upon a de novo review and, in the alternative, is not other “clearly erroneous” under the record here. The Court therefore adopts Judge Jensen’s Report and Recommendation in its entirety.

Plaintiff's claims are dismissed without prejudice for failure to exhaust administrative remedies. *See Ford v. Johnson*, 362 F.3d 395, 401 (7th Cir. 2004) ("all dismissals under § 1997e(a) should be without prejudice"). This case is closed, and the Clerk is directed to enter final judgment of dismissal.

If Plaintiff wishes to appeal, he must file a notice of appeal with this Court within thirty days of the entry of judgment. *See Fed. R. App. P. 4(a)(1)*. If Plaintiff appeals, he will be liable for the \$505.00 appellate filing fee. *See Evans v. Ill. Dep't of Corr.*, 150 F.3d 810, 812 (7th Cir. 1998). If Plaintiff seeks leave to proceed *in forma pauperis* on appeal, he must file a motion for leave to proceed *in forma pauperis* in this Court. *See Fed. R. App. P. 24(a)(1)*.

Dated: March 9, 2020

Entered:

A handwritten signature in black ink, appearing to read "John Blakey", is written over a horizontal line.

John Robert Blakey
United States District Judge